

**Planning & Zoning Commission
Milton Library – 121 Union St
April 15, 2014 – 6:30 pm**

**Transcriptionist: Helene Rodgvile
[Minutes are not Verbatim]**

1. Call to order – Don Mazzeo

2. Roll call of members

| | |
|-----------------|------------------------|
| Lynn Ekelund | Present |
| Tim Nicholson | Present |
| Mark Quigley | Present |
| Don Mazzeo | Present |
| Barry Goodinson | Present (arrived late) |
| Linda Edelen | Absent |

3. Additions/Corrections to agenda

Don Mazzeo: Do we have any additions or corrections to the agenda? I'll accept a motion to approve the agenda, as presented.

4. Approval of agenda

Tim Nicholson: So moved.

Lynn Ekelund: Second.

Don Mazzeo: All in favor say aye. Opposed. Motion carried.

5. Approval of Minutes – December 17, 2013

Don Mazzeo: I know that's a long time ago for some of us. Do I have any comments, questions or concerns on the minutes of December 17, 2013? Hearing none, I'll accept a motion to accept the minutes.

Virginia Weeks: Mr. Chairman, I make a motion to accept the minutes.

Lynn Ekelund: Second.

Don Mazzeo: All in favor say aye. Opposed. Minutes are accepted.

6. Nomination/Election of Chairperson and Secretary

Lynn Ekelund: I nominate Don Mazzeo as Chairperson.

Tim Nicholson: I nominate Lynn Ekelund as Secretary.

Don Mazzeo: Any opposing other names?

Lynn Ekelund: Any competition. Come on.

Tim Nicholson: We always take the easy way out.

Don Mazzeo: That was a tough election. I'll take a yea vote for the nominations, or a nay vote. All in favor say yea. Opposed. Motion carried. Madame Secretary.

Lynn Ekelund: Mr. Chairman.

7. Approval of minutes – December 9, 2013 & February 26, 2014

Don Mazzeo: Let's do the one at a time, please. On December 9th, are there any questions, comments, corrections, deletions? Hearing none, I'll accept a motion to accept the meeting minutes of December 9, 2013.

Tim Nicholson: So moved.

Lynn Ekelund: Second.

Don Mazzeo: All in favor say aye. Opposed. Meeting minutes of December 9, 2013 are approved. Now I will present the meeting minutes from February 26, 2014. Do we have any questions, corrections, or deletions on those minutes? Hearing none, I will accept a motion to accept the minutes of February 26th.

Tim Nicholson: So moved.

Lynn Ekelund: Second.

Don Mazzeo: All in favor say aye. I will abstain since I was not present at that meeting. Minutes approved.

8. Business – Discussion and possible vote on the following items:

a. Setting dates and times of public hearings for Comprehensive Plan review/update.

Don Mazzeo: Do we have direction from Mayor and Council at this point, Robin?

Robin Davis: Yes, we need to move forward.

Don Mazzeo: Yes. Okay, based on that presentation, I guess we have some guests who would like to present and please, for the record, state your name and address and stay seated.

Hal Godwin and Jocelyn Godwin: We have volunteered and I think the Town Council has accepted our assistance with the review and update of your Comprehensive Plan. I have gotten some copies... Robin and I on the 26th of March went to the Office of State Planning's Plus Review and the purpose for us to attend that day was because Milton's current Comprehensive Plan had been reviewed by the State Agencies and then the Plus Committee comes back and people make comments about our current plan. So we have some direction from the State. We should have those written comments any day; they were due today; because they're supposed to respond to you within 20 days, but anyway, verbally I have some notes from those comments and we can go to that in a second. What I wanted to say right after that, is that from the Office of State Planning and Coordination, I've gotten a list of the things that we are supposed to address during the Comprehensive Plan Review. Now the items that I have put a hash mark on are the items that the State requires us to address. They don't say how we have to address, but they just insist that we address those issues in the Revised Comprehensive Plan. The other items that are on there are just items that were suggested to take a look at and if you decide that you want to dig down deeper on any of those, we can do that. Have you ever done a Comprehensive Plan Review before?

Tim Nicholson: I haven't.

Hal Godwin: No. You have. You have. Okay.

Don Mazzeo: I've gone through multiple ones, but they weren't called Comprehensive Plans, they were called other things, in other states like New Jersey, Master Plans.

Hal Godwin: The Comprehensive Plan system was started by Governor Minner, I believe,

I'm going to say 25 years ago. The State actually adopted State law that requires counties and municipalities, which are all layers of local government, to adopt a Comprehensive Land Use Plan. Later on in the process, the words Land Use got dropped and it becomes a Comprehensive Plan, so it's kind of Land Use and Town Management, if you will. The idea is so that each local jurisdiction has certain plans, documented, that help lead the town or county, into the future; then the State requires certain things to be addressed, such as drinking water and traffic and some of those obvious things. So, our Comprehensive Plan was reviewed by the State. They gave us comments and really the comments, I think Robin will agree, they weren't really very critical. They thought that our Comprehensive Plan looked pretty good. There were some issues that we must address now that we're over 2,000 people. One of those is, we have to have an Ordinance for Source Water Protection, which is basically a clear zone around well heads. They're really only talking about well heads for public drinking water; not the well at your home, if you're on well and septic. It doesn't apply to that, it's a domestic well. There are lots of Ordinances that we can look at to model from. The County has one. A lot of other towns have them, so now that Milton is up to the 2,000 population number, we have to have one too. So those are some of the things that they commented on. They commented briefly on traffic and they commented on drinking water, in general. So as we go to through the Comprehensive Plan and we decide... Let me back up a second. First of all, this will be Milton's Comprehensive Plan and it will be developed by Milton's townspeople and you; the Planning and Zoning Commission will be the organizers of the Comprehensive Plan and you will develop a Comprehensive Plan that you think comes close to meeting everybody's needs and wants. We all know that you can't get everybody in, but you listen to comments and you study the issues and you develop a document that you then refer onto Town Council for approval. So in that process, we will go through this list and at the first public hearing what I would suggest we do is try to take the items that we're required to do, let's just look at how they stack up with what we have in the Comprehensive Plan.

Lynn Ekelund: Can I just interrupt for one quick second, Hal? I didn't hear what you said. Everything that you have checked on this checklist, those are the things that we are required to do. All of them.

Hal Godwin: To address.

Lynn Ekelund: All of them, okay. Sorry.

Hal Godwin: It doesn't say how to address them. The State just insists that we do something about them.

Lynn Ekelund: Gotcha. It's every one that you've checked.

Hal Godwin: The Comprehensive Plan you should really try to make it a compilation of what the town wants and what's important to the townspeople and then you come to some agreement on a document, after we work on it, work on it, work on it. This will require a number of public hearings and if you want to, we can have an agenda before the hearing and say well the first thing we're going to talk about is a, b and c. So the townspeople come prepared to talk about those things. I would also recommend that if you have not read the current plan, please do that immediately, because you're going to be tested by your constituents. The townspeople are going to come and say, well you know the Comprehensive Plan says, we don't grow apples in this town. Wait a minute, I didn't see that. So you'll need to be very well versed with the plan yourself. That's number one and

number two, as the energies from the community come forward; we'll all hear them; we'll all see them; and I want to add, this is just my philosophy and I've done a few Comprehensive Plans. There are no wrong answers in this process. This is a community exercise. Everybody has their opinion. Everybody has ideas and many times we all learn things and say wow, that was a great idea. I hadn't thought of that. So the townspeople many times will bring you some of the best ideas that we get through the whole process. If we come to a point where we say okay, we're going to set that next meeting aside to have DelDOT come talk to us about their intentions with traffic improvements. They'll do that. I've talked with a number of people that can help us with State Agencies and expert opinions and yada, yada, yada. So DelDOT's already been spoken with. They're Planning Department is prepared to come to a meeting or two, if you need then. DNREC will come talk with us. The University of Delaware, I've already spoken with one of their environmentalists. One evening we will probably want to talk about an issue that I think is pretty important to the folks in this town and that is the lands outside the town boundaries, which are not in the Town, they're in the County. The townspeople should come up with plans for what to do with these surrounding areas, should they want to grow and be part of the town.

Tim Nicholson: Do you mean be annexed?

Hal Godwin: Right. If they want to be annexed, then you need to have a plan ahead of time to say oh well, we always thought that would be nice for a pine grove, or whatever you think is a good idea. So if we have those plans in place, then if the property owner comes in and says we'd like to annex for a paint ball place; whoa, we didn't think about that at all; you're going to have to convince us on that. We thought it would be a good playground, or whatever. Anyway, you kind of have a plan. Well currently the land that's there already has zoning and has it's own land owner's with their own ideas. If you want to, I can have the County Planning Director, who's been there for 40 years. He knows land use inside out. He already volunteered. He said, I'll come to one of your meetings and answer questions and talk to folks.

Barry Goodinson: Who is that?

Hal Godwin: Lawrence Lang.

Barry Goodinson: Okay, Lang. That's right.

Hal Godwin: So the connections that we can bring to the table, I think would be beneficial in helping you find direction, because we know all these folks. I've spoken with Ed Lewandowski, who is the former Executive Director of the Center for the Inland Bays; he now works for University of Delaware. He's definitely an environmentalist and he understands the county and this area. You might come to a point where you say we really need to hear more about the environment. Ed will come talk with us and these people are resources, understand, they're not here to offer you opinion. They're not going to help you shape anything. They're just going to answer questions with fact and they may give you information that they've learned through research and studies and things of that nature; so they're expert helpers. The opinions will have to be discerned by you. You folks are going to have to sift out the opinions of the townspeople, which you think are the most important to be moved forward and that's sometimes a difficult process.

Lynn Ekelund: Excuse me. Speaking of experts and I don't know who is the person to answer this question; but are we planning... I understand that you and Jocelyn are here and

I'm assuming gratis? I'm also assuming that there isn't a problem with either of your employer's. Jocelyn, you're with Georgetown and Hal you're with Sussex County, so there isn't a problem with your employer's?

Hal Godwin: No, we've already spoken with them.

Lynn Ekelund: But I'm assuming it. I didn't know that.

Jocelyn Godwin: Yes.

Lynn Ekelund: So, yes, that is correct?

Hal Godwin: My boss told me, the County Administrator, he said if something should come up, we'll talk about it, but I don't think there will be a problem. Meaning, if one of the County Counselors comes in and says what the hell is Godwin doing? They all know that we're over here, trying to help you. Most of them that I talked with, thought it was a good idea, because the County always tries to work with towns on land use issues.

Lynn Ekelund: I just figured since I don't want to just make the assumption that yes, it has been... I've got a couple more. Again, I don't know what your role, either of your roles...

Jocelyn Godwin: We should probably talk about that first, before we even talk anymore.

Lynn Ekelund: I was sort of hoping that we would get to it, but since we didn't... I would like to know the role. And the last question is, are we planning Robin, Seth, Marion, somebody to hire a consultant such as IPA to help, because it's my belief that if we are planning on hiring a consultant, such as IPA, that this is the time to do it. The time to do it isn't after we've spent six or nine months spinning wheels, chasing tails... I just want to make sure that we get those questions answered before we go through.

Don Mazzeo: I'm going to add just one little one, to dovetail in there. The individuals or agencies that you have mentioned, would they be coming in at gratis as well?

Hal Godwin: Definitely. It's all volunteer.

Don Mazzeo: Again, it's for the record. I just want to make sure that if... and at some point when we do have our townspeople here, they're going to say who's paying these wonderful people, well the answer is you all are, because you're part of the town and you're part of the County and you're part of the State.

Hal Godwin: Right. First of all, IPA stands for Institute of Public Administration. It's a division of the University of Delaware. You will not pay for them. You won't hire them. If they come to help, they'll do it again, as volunteers and IPA, I'm close friends with Dr. Jerome Lewis, the Director of that branch of the University of Delaware and they would be more than happy to participate; come to a meeting. Help you with the process. IPA is a University of Delaware Department.

Barry Goodinson: What's the extent... How much can we expect of them or do we have to go through a process; because I know they've got a certain amount of bandwidth.

Hal Godwin: No. If you have an issue that you would like to have IPA come give us some advice on, I'll make a phone call and they'll send... It will either be Jerome Lewis, Marty Walliston or Julia O'Hanlon, most likely; or Doug Tuttle. So they have folks that, as a matter of fact, the Delaware League of Local Governments receives benefit from the IPA regularly. Let's suppose you wanted to rewrite your Charter from square one to finish. IPA would come in and help you do that and they give you recommendations, they explain all this; they'll say many municipalities adopt this paragraph because it does this, this, this and this for you. These are scholastic PhD minds who understand these processes and they're there to help us as Delawareans, but you don't hire them.

Barry Goodinson: Can I ask a quick question? I may have missed this. I apologize for being late. I'm a little unclear about who's driving this process? I don't know if it's the Mayor, if it's the Town Council, if it's Planning and Zoning; ultimately, where does the buck stop?

Don Mazzeo: Here. Ultimately it stops here with the input from Town and Council, actually.

Hal Godwin: The Town Council has delegated the development of the Comprehensive Plan to the Planning and Zoning Commission.

Barry Goodinson: How is that operationalized? Because my fear is, unless we've got some process in place and a system in place, as volunteers we're going to kind of move in and move out; the Mayor will move in and move out; the Town Council will move in and move out; and at the end stuff will be left undone and there will be lots of people pointing fingers at who didn't do what and if ultimately the buck stops here, then what do we need to do to make sure that we are here to make sure that we step up to the plate, because if there's a void, someone's going to step in, whether it be to assume responsibility or to appoint blame and I don't want either one of those things to happen.

Hal Godwin: Neither do I.

Barry Goodinson: So from your experience, how do we operationalize it here?

Hal Godwin: As I understand it, the Mayor and Council have invited us to help you with this.

Jocelyn Godwin: Just help. Support.

Hal Godwin: Many municipalities hire a consultant to do this and the consultant manages the meetings and organizes the schedule and makes sure you get through and then writes the document. Some municipalities do it in-house. They have the staff, they have a Planning Department that can do that and they handle the whole process. The townspeople of Milton will tell you what they want in their Comprehensive Plan. They'll come to the meetings and they'll make certain points to you over and over and over; we'll say we've got to put that in there, because we've heard it seven times. So the townspeople will tell you through our public hearing process, what they expect of you, as you develop this document, but this will be the town's plan and their document developed by the Planning and Zoning Commission. Once you have a document that you like, you will then refer it on to Town Council. They'll look at it. They may make a couple of changes to it. Then they'll send it to the State for certification.

Don Mazzeo: In between, however, there's going to be another public hearing at the Council level?

Hal Godwin: Yes.

Barry Goodinson: Who is the prime mover? Who calls the meetings? Who sets the schedule and says okay, we're going to have this number of meetings?

Hal Godwin: The Planning and Zoning Commission. That's what we're doing tonight.

Barry Goodinson: Okay

Hal Godwin: We've had experience doing these, so we volunteered our time to help you get the process done and we have cooperation from the Delaware State Planner's Office. They're not here tonight, but they will be in attendance for most of our meetings, just to make sure everything we do passes the smell taste. They'll be here.

Mark Quigley: I actually have a question. I like what I'm hearing. What's the background

and the history between the Council, the Mayor and getting everybody together? How did that contact occur?

Jocelyn Godwin: You mean as far as us? I can tell you from me, starting out; I worked for the Town of Milton for five years, as Town Clerk/Administrator; from 2000 to 2005. I have a very strong connection with the Town. I ended up leaving through some life changes that I went through; transitioned to Georgetown. I'm now working their in the role as Planning Administrator.

Mark Quigley: Downtown in Georgetown?

Jocelyn Godwin: Yes, so I work right on the circle. We handle all kinds of... As you know, Georgetown has a lot of commercial growth going on right now, so that's what I'm managing right now; managing for them. I'm responsible for the Comprehensive Plan for Georgetown. I've had several experiences with Comprehensive Plans and the State Agencies, so I bring some experience that I think will help you in the process. Hal stepped in in 2005.

Hal Godwin: I followed her in 2005. I was Milton's first Town Manager and I worked here for a year and the County recruited me. That's how I ended up working for Sussex County. I started Sussex County in March of 2006 and I've been there ever since, as Deputy Administrator. Now that's a very broad title.

Mark Quigley: In what department?

Hal Godwin: The administration. Like a Town, there's the Council and the City Manager. I'm his assistant. I'm the Deputy Administrator. The five member Sussex County Council, I work with the daily and their Administrator, who is my immediate boss, so the way it works is he is responsible for all operations from A to Z. He assigns me certain things that he knows I'm good with, or he thinks I'm good with; and he has says okay Hal, dig down on this and tell me what's going on. He'll give me... right now I have about five projects I'm working on and it's my responsibility to report to him and Council what I found. So I go down deep. He takes care of the treetops and I go down deep on certain issues, and Land Use and Planning is one of them. When I was hired at the County, their Comprehensive Plan was due; this was 2006, so the Administrator then was Bob Stickles. Knowing my background he handed me the Comprehensive Plan and he said it's got to be done by the end of 2007, go get it done. So I had to put out an Request for Proposal, hire a consultant, set up the meetings, yada, yada, yada, like we're going to go through here; only on a county-wide footprint. Get the Comprehensive Plan done. If the Planning Commission likes it, they approve it; it goes to Council; gets approved and the Counties have to have their Comprehensive Plans signed by the Governor. It doesn't just go to the Planning Office, the Governor has to sign it, so we did that. That was 2006-2007. In that process, I also had to do a Source Water Protection Ordinance, so I've written one of those. I have it right here with me. The County's is probably a little more comprehensive than you need, but I've done that. Prior to me coming to Milton, I served as an elected official in Newark, Delaware for 17 years. I was on Council. My last six years I was the Mayor. We did three Comprehensive Plans while I was there. Newark did Comprehensive Plans as far back as 1969, long before the State required it. I was involved in one in 1987 and one in 2003. So I'm very familiar with how the process works. I have never had a job where the title has been planner. She has. She has one right now. City Manager, Administrator, Mayor, I've been those things. But one of the reasons Mr. Stickles hired me, he told me when he did, he

said I know I've got a lot of gray haired department directors in this operation and as they retire I know I can put you in there to run that department for a year or two until I find somebody else. So I do a lot of land use stuff for the County. I represent the County from the Administrative side in a number of committee's that the State requires us to participate in, that are all land use issues. So, am I a Planner? There are those who say I am. There are those that say I'm not. I am not certified. I am working on that, as a matter of fact. I am a student of American Planning Association and I am studying to be AICP (Certified Planner)...

Tim Nicholson: Hal, I have a real quick question. In terms of timing for these meetings, is it once a month? How does that work?

Hal Godwin: That's for us to decided. One of the suggestions I made to the Mayor, some weeks ago, which she liked, was let's not schedule them all for 7 p.m. on a weeknight, because the townspeople work different schedules and in my experience, I've seen that you might want to have a Sunday afternoon meeting; you might want to have a Tuesday daytime meeting, because different people work different shifts and they say darn, I'd really like to go to one of the those and speak my piece, but they always have them at 7:30 at night and I'm working. So I was going to suggest that we sprinkle them around the calendar and I was also going to suggest and most of my suggestions... first of all, I don't make policy. You do. I don't direct opinions, that's your job. The folks in State Planning recommended that we have at least 4 or 5 public hearings. You might want to schedule 4 or 5 tonight and then we get down to meeting 3, or 4, you might say we need another two meetings; we haven't studied this; we haven't studied that; and I'm hearing from people in town, so we can add to the schedule at a later date. We have until May of next year to get this done.

Don Mazzeo: That was my next question. What is our time lapse here?

Hal Godwin: We have a year.

Don Mazzeo: May...

Hal Godwin: Of next year. That means done, that it's in front of the State Planner's Office.

Barry Goodinson: And they have to approve it.

Mark Quigley: That's not a lot of time.

Hal Godwin: It is a lot of time, but it will go quickly, because if we do this the way a lot of towns do it, spread the meetings out. Don't have the all in a six week period, because again, you're going to have folks that come in May, but maybe they can come in June. Or you're going to have people that visit in July, they have a house here and another house somewhere else and they come here for the summers. So you might want them to participate. Generally speaking, a Comprehensive Plan development is a community exercise. We all put our piece on the table. Okay, now Jocelyn and I will leave our opinions out, unless you ask for them. We are not going to offer our opinion, because it's not our Town; we don't live here; we don't make decisions here. We're just volunteering to help you get this done and if we get this done, which I'm sure we can, we can save you significant money. We're only doing this because we love Milton. We feel like it's our home town, even though we don't live in town limits, we have a lot of friends in town and we want to help. It's like coaching little league baseball; if you can help the community with something like this, so that's where we're coming from.

Barry Goodinson: Would these meetings typically be an hour, two hours, how does that

work?

Hal Godwin: They'll be two hours and you'll get dragged through more than that sometimes. You'll have one person come up and say something and then five other folks say oh yeah, I forgot all about that.

Barry Goodinson: I think I know who you're talking about.

Hal Godwin: But you've got to let them talk.

Mark Quigley: Thanks for the history. I appreciate it.

Jocelyn Godwin: Every town has them.

Hal Godwin: What you don't want is we don't want to cause division in the town, if we can avoid it and we don't want to make people angry because they couldn't put their chips on the table.

Barry Goodinson: Who facilitates these meetings.

Hal Godwin: I can do that, or the Chairman. It will be the Chairman's job, but he can delegate that to someone else if he wants. You asked a question about a Planner; because that's been brought up and I was here the night it was brought up. If you would like to hire a Planner to do this, we'll sit and watch, or if you want to hire a Planner to do this and we'll come to the meetings and offer something once in awhile or not to come to any of the meetings; whatever the Town Council decides they want us to do. We're offering our time and services to the Town Council, so we're working under their direction to help you. If they decide they don't want us to do this and they want to hire the Acme Slingshot Company, that's their prerogative and we won't argue with that. Volunteers don't argue. We're volunteering.

Barry Goodinson: Having worked in non-profits a lot, I think volunteers should be considered unpaid staff. So I think it raises the expectations and the accountability and therefore you shouldn't be at all shy about making your opinions known, in drawing upon your expertise.

Hal Godwin: The way I like to preface that stuff is, well I've seen five towns do this and just share it with you. Or you know there's a town down in Maryland, not too far from here, they did X, Y, Z and it blew up in their face. We've had some of these experiences, we can share that stuff with you and I can get documents on most of it. Most of the experiences that I'll share with you, I can back it up with documents; but as I've told Robin, I've told the Mayor, we're not here to cause any division; we want to see the town come together and do this all as neighbor's, which is the way it should be.

Barry Goodinson: That goes to a point that I think is important, because I do feel that there's a possibility of... I feel that there's division that is beneath the surface and it comes to the surface periodically and it's really awful and uncomfortable and counter-productive.

Hal Godwin: Correct. I would agree.

Barry Goodinson: And anything that we can do through this process to create the town coming together, and point out where we have points of commonality, rather than division, are really important.

Hal Godwin: I think you'll see that happen. I've seen towns almost as polarized as this one has been, come together like brother and sister in a Comprehensive Plan. Now, you're not going to make everybody happy, you can't do that in public service. It's a great dream.

Barry Goodinson: I just want to make sure... I think people can walk away from this process, maybe they didn't get what they wanted, but at least they felt like they were heard

and if people, through this process, don't feel that they're heard; that's a recipe for the disaster and I don't want that. I guess my point is whoever facilitates this process, I think the primary concern we have, is to make sure that they are a skilled facilitator and they make sure people feel like they're heard through this process.

Hal Godwin: I would agree with you.

Barry Goodinson: This is too important and I don't want it to be screwed up by a lack of skill in facilitating.

Hal Godwin: I've told Robin that fifteen times in the last month. We don't want to cause division. We want to help the healing process and I know what you're talking about, the undercurrents. I will tell you that in 2005; she was here from 2000 to 2005; those undercurrents were very strong in two opposing directions. I think, my observation is much of that has dissipated and the town has come together closer in the last five or six years than I saw it way back then and I also think that you're on a course now of even more harmony. And, you're right, some people who are hard this way, or hard that way, are starting to say I can live with this.

Barry Goodinson: Oftentimes here you're in a situation where if a third party is listening, you realize that you may be saying it one way and this person may be saying it in another way; but you're saying the same thing; but because you're saying it differently you think you're in opposition and if the facilitator can point out that you're saying the same thing, we can save ourselves a lot of grief. I just want to make sure that we have the right facilitator.

Hal Godwin: I think you'll find we can accomplish that and if not, tell us so; but I always look for agreement when I hear people talking and many times, you'll hear three or four people who are arguing bitterly; they're saying the same thing, like you just said. They all support their Fire Department. They all want to volunteer their service in the Fire Department, but they're arguing about who drove the truck. It's crazy. You know what I mean? So you're right and I think we can heal much of that division with this process, because it would be my ambition to really make this an exercising community. Even if you didn't get your way on the nine things you brought to the table, you got seven of them and the other two were close.

Tim Nicholson: Is the advance notice out to the public just like the same as any other meeting, seven days or whatever?

Hal Godwin: This is a public body and you have to give the seven days notice, with the agenda. Now Lynn did I answer your questions?

Lynn Ekelund: It appears to me that we don't know if we're going to hire, as you put it somebody from the Acme Wrench Company...

Hal Godwin: Last I heard from the Mayor, I was under the impression that she had a consensus from Council to proceed with Jocelyn and I and she at that point in time, had said that the planner from Pennoni Associates is available, but they hadn't decided to contract him yet.

Don Mazzeo: Okay, because that's...

Hal Godwin: So if you feel that you want them to look over the Plan, or to take it over from us, we have no problem with that. That's not a problem.

Mark Quigley: Who's Pennoni Associates?

Hal Godwin: That's the engineering company that the Town uses and they have a Certified Planner on board.

Don Mazzeo: Robin, do you have any input from the Mayor on that issue at all?

Robin Davis: I would just follow up on what Hal said. There is an item on the agenda for April 21st, the Town Council Agenda, that talks about Comprehensive Plan and I think there was a memo that went out to the Council Members in reference to what Hal was talking about, to maybe follow up on whether a full time planner will be hired.

Barry Goodinson: So they're going to make that decision.

Robin Davis: That's coming up.

Lynn Ekelund: It just seems to me that we come to this meeting and we have an agenda item of setting dates and times of public hearings for Comprehensive Plan Review Update and we know nothing. We know just from the grapevine, at least I did, that you two were coming in and that's all we know. We don't know a lot and yet we're asked to set times and dates of public hearings for Comprehensive Plan Review Update.

Robin Davis: I think there was a previous meeting with the Mayor and Council and Planning and Zoning, where Hal and Jocelyn were here, with the Office of State Planning; that was some of the stuff that was discussed.

Lynn Ekelund: That was probably when I had my shoulder done.

Robin Davis: I think that's when they met.

Don Mazzeo: So both of us missed that.

Barry Goodinson: No, I was there.

Hal Godwin: To be perfectly up front with you, several months ago; we're friends with Marion and I think either we were having dinner together or we were together somewhere, and she mentioned the Comprehensive Plan and she said we've got to do the Comprehensive Plan in a few months; we've got to get started on that. I said, do you want some help? She said, would you? I said, we would be happy to help you. She said, oh that would be such a relief. So that's kind of how that discussion started. So there's no contract, no written contract at this point, no money has or will change hands, because we're offering this as volunteers. If the Town Council decides that they want to hire someone else, that's okay too. We're just offering to help.

Lynn Ekelund: It's not that I'm saying in any way, shape or form that I don't think that both of you could do it; I'm just asking what are we doing? What is your role? What are we doing and I, too, needed to know about the conflict.

Hal Godwin: First of all, as I mentioned, we all need to read and understand the current Comprehensive Plan. I gave out a list of issues that the State requires us to deal with. We're required to do that, so I was going to try and set some meeting dates and times, tonight, for like our first series of public hearings.

Tim Nicholson: Do you think we should have a public hearing first?

Hal Godwin: Well, your first public hearing is going to be your first public hearing.

Don Mazzeo: It is, what it is. You need a meeting to go. It can be an organizational meeting, if nothing else.

Hal Godwin: Let me explain something else. The State does not require that you completely rewrite your Comprehensive Plan at this juncture. There are some things that they require us to do like they do require us to now do a Source Water Protection Ordinance, because you now are documented at over 2,000 people. They are going to require us to update population figures and they're going to require us to do what I would call a light review. That's what we're required to do.

Barry Goodinson: And I think at the community meeting, and I said this, so maybe I think everyone said it, is we have a choice of doing sort of a light review, or doing something much more substantive. At least, my general sense of this group is, and there are folks in addition to me, at that meeting, who felt that we wanted to do something more substantive. I think we have an opportunity here. We do have some time, not a huge amount of time, but we've got some time that we want to do something much more substantive. I think, given the fact that the economy is rebounding, that the last plan was more retrospective than prospective, I think it makes sense that we do something that's much more substantive.

Hal Godwin: You're right. Your current Comprehensive Plan is well embellished with history. You've got lots of history in there.

Barry Goodinson: Right. But not a lot of future.

Hal Godwin: Right, exactly; that's how I read it too. Now I would advise that your body and the Town Council needs to decide to what degree to review the plan. I think it's going to be your plan, but you work for the Town Council and the townspeople under their direction, so I would think that you would probably need to come together with Mayor and Council and decide whether this is going to be a tune-up or an overhaul.

Don Mazzeo: Based on that alone, to Lynn's point, if Council is suggesting a tweaking, just to cover the next five years; to set aside five meeting dates may be in excess of what is truly needed, or if we're going to go into something that is much more substantial, a true review and a true rewrite, maybe ten meetings are necessary. But we're not in a position, I don't think we're in a position tonight, to make that decision, although we can set the next public hearing, as an open agenda...

Barry Goodinson: I don't know. At that public hearing the options were presented; should it be a tweaking or something more substantive...

Hal Godwin: I haven't gotten a direction yet.

Don Mazzeo: That's a problem.

Barry Goodinson: A few of us urged the Town Council to make it a more substantive redo.

Don Mazzeo: It has not been presented to us in either direction.

Barry Goodinson: My point is, maybe we want to as Planning and Zoning, make that recommendation to them, and tell them that we are prepared as Planning and Zoning to move forward to do something substantive.

Don Mazzeo: That can be open ended, because we don't know what that's truly going to encompass.

Hal Godwin: They're meeting on the 21st?

Don Mazzeo: Next Monday.

Hal Godwin: I have a conflict that night, but I'll see what I can do.

Lynn Ekelund: If they're meeting on the 21st, I think it's a little late to put it on the agenda.

Don Mazzeo: It's too late to put it on the agenda. It's on the agenda.

Barry Goodinson: It is on the agenda.

Lynn Ekelund: Oh, it's on the agenda? Okay.

Hal Godwin: The discussion was that there is a Milton Town Council meeting scheduled for Monday, the 21st and on that agenda, as Robin explained, there's an issue of the Comprehensive Plan... I have not gotten a clear order from Town Council. If they want us to do this, or to what degree.

Barry Goodinson: That's the frustrating thing was at that meeting, when was it?

Don Mazzeo: It's got to have been back in February. I wasn't there and you were out.

Lynn Ekelund: It was my shoulder, yes.

Don Mazzeo: This is two months ago.

Barry Goodinson: So we discussed the question of whether it would be a tweaking or a something more substantive and they've not made that decision yet. So we need to ask them to make that decision.

Jocelyn Godwin: The only other thing I could relate to, is also in your decision on do you want additional planning help from Pennoni Associates, or not? Maybe if it's a major overhaul, the decision is you feel more comfortable bringing that person in for a major overhaul. Maybe if it's not, maybe we don't need them. That's your decision. Yes, it would be nice to know that decision first.

Hal Godwin: I think it's Town Council's decision, what their recommendation is. I think Planning and Zoning could make a recommendation to Town Council, let's spend the money, let's do this from top to bottom, complete overhaul and then Council can say yes, I think you're right. Then they'll go into a contract with somebody for \$50,000 you get it done A to Z. That could be. That could be what they decide to do.

Barry Goodinson: They don't have \$50,000.

Don Mazzeo: They haven't got \$10,000.

Barry Goodinson: They bought a house.

Lynn Ekelund: Yes they did.

Don Mazzeo: Off the record.

Hal Godwin: That's one of the reasons we're volunteering.

Mark Quigley: During this process, are there going to be workshops also.

Hal Godwin: There can be. If you want a workshop on traffic or you want a workshop on the Broadkill River, we can do that.

Mark Quigley: We do very well with workshops.

Lynn Ekelund: I would totally be in favor of workshops.

Mark Quigley: So I would suggest that.

Hal Godwin: They kind of turn into public hearings anyway.

Barry Goodinson: Yes.

Hal Godwin: It's kind of like is it a cow, or is it...

Barry Goodinson: Tomāto, tomato.

Lynn Ekelund: And something I was thinking in addition to however we go, public hearings, could we do surveys or questionnaires to focus a public hearing; rather than having the people just come in and vomit.

Hal Godwin: That's why I gave you this list from the State. The State recommends things that you might want to study and opine on in your Comprehensive Plan. This list is from the State Planning Office.

Lynn Ekelund: We could use that as a source material, but I was thinking more of questionnaires and surveys that we could prepare for the townspeople to fill out; to have something that would have a little bit more focus at the public hearing.

Hal Godwin: Sure. The more input you get from the public, the happier the town's going to be.

Don Mazzeo: Put a questionnaire type of a document in with the water bill on the next one that goes out.

Lynn Ekelund: Exactly.

Hal Godwin: Sure.

Don Mazzeo: Everybody gets it. If they decide to throw it away...

Hal Godwin: What I would recommend there is put three or four questions. Don't make it 70 questions. What do you see in Milton's future? Do you think we should focus on new stores downtown? Do you think we should focus on this, or this, or this and ask them for their thoughts. But if you just say what do you think about the Comprehensive Plan...

Don Mazzeo: They have to be directed questions.

Hal Godwin: You need to help them focus on the issues that you think are most important.

Mark Quigley: I have another comment. I think after taking some of these courses that we go up to University of Delaware here, 101, 103, 102; and after talking to some of the state rep's, I think we could do it with you guys, personally. I think you guys are... It's unknown to us, but I think with their guidance and all the additional support that is out there, I really think we can do it.

Hal Godwin: I think you're right.

Mark Quigley: And then it's more of "our" plan, than a Pennoni plan; or whoever.

Hal Godwin: I will tell you this, Jocelyn and I have a friend in DNREC, her name is Susan Love. I've seen Susan Love speak a number of times. She is DNREC's expert on sea level rise and she's good and she understands it and she can help you understand it. She'd be happy to talk at one of your meetings. She will be speaking on the 24th at the Delaware League of Local Governments. The Delaware League has a meeting once a month and there's always a guest speaker that comes in and talks about something that's important to towns and you could probably go to these meetings, sponsored by the Town, if you asked for it, I would think; but there are many valuable lessons to be learned from these dinner meetings and here's one of them coming up on the 24th, but over and over again, there's good opportunities for you to get an education for free in land use that IPA is offering, or the Delaware League is offering, or SCAT's offering. There are lots of functions that you can take part in that cost you nothing, but you'll learn a lot of things. There was one that passed here a week or two ago that I had said to Marion, take a look at this and I said you ought to send this to Planning and Zoning and Town Council; I don't know if she did or not. When I worked here sensing this issue that you were talking about, of the division, I put together a visioning process and I spent an afternoon with each council member individually visioning what they thought the town should be when it grew up and I got quite a collage... basically I was doing a Comprehensive Plan Review and the Comprehensive Plan didn't need a review. A friend of mine, his name is Ed McMahon is a land use expert, he's gotten nationwide rewards and he's very renown. He came, at my request, for no charge and spoke at the Mariner Middle School one night for three hours and we had a couple of hundred people there, all Miltonians and he really helped them understand, look it's not this tough...

Lynn Ekelund: I was there.

Hal Godwin: This is your community. Here's how you get these things done. You tell the builder's what they're going to do; they don't tell you. You tell them. And he inspired a lot of us, because that's what he does. So anyway there are people like this. When I left here, I left in the budget enough money to have a downtown analysis done by a company called _____ from Alexandria, Virginia; it's their business to tell municipalities what they

need to do to bring business back and it works. Their plans work. I left, that came off the budget the next year and the study was never done; but I'd already talked with them; had them come and look at the town and make some bare bones suggestions and they said for \$35,000, like we charged you in Newark, we'll do the same thing here and give you a plan for it. So there's an awful lot of information and instruction available to us for free; you just need to know what button to hit. Where to find it. Or some towns just say we don't want that headache; we don't have the staff; write them a check; get it done. And that's another way to do it. And there are some folks who wouldn't be comfortable without it being done that way.

Don Mazzeo: From what I'm hearing here this evening, particularly from the four other individuals is that we need direction and I'm pointing this more towards Robin, at this point. We need the direction from the Mayor, but we will prepare a recommendation that would suggest that we do NOT hire the professional, expensive planner. That we engage with our guests here this evening and utilize their expertise, their background and certainly their knowledge and to guide us through what could be a very long 10 months.

Hal Godwin: I'll make another suggestion, in your motion.

Don Mazzeo: I'm welcome to it.

Hal Godwin: You could also include in that suggestion to make everybody feel better, that once we have a plan, before you send the plan to Council, for them to consider it; that it go by the Pennoni Associates Planner and let him look at it.

Don Mazzeo: And let him look at it as a final check-off.

Hal Godwin: And if he says OMG you put this in there; what did you put this in there for? Let him sniff and see what he thinks. That wouldn't cost you \$50,000. That's going to cost you an afternoon's work.

Don Mazzeo: A couple of hundred dollars.

Hal Godwin: Good idea. Right, Don.

Don Mazzeo: It's a short afternoon.

Hal Godwin: That might help to relieve some heartburn around town about us dummies helping you with this.

Don Mazzeo: Well I'm not even sure that that terminology would even be brought up to the table, but I think your suggestion would be very good to add on as a recommendation.

Mark Quigley: I like that. It's an important document you want to return your best CPA...

Hal Godwin: Then when you get it back, it's done, but we've cooked up in town. We've got it all done right. State Planning has been here. They like it. Your consultant signed off on it.

Don Mazzeo: Then we're good to go.

Hal Godwin: Yes, everybody's happy then.

Barry Goodinson: There's a couple of other pieces. I agree. I think that that recommendation should be made; but I also want to make sure that we are really clear that the recommendation that we are making, is that this town engage in a substantive planning process; not a review; not a tweaking of the old Plan. If you want to vote on this, I don't know what the process is, but I think that's really important. I'll be honest, I've been concerned that in recent months we've had Town Council taking it upon themselves to make changes, without any regard to what is legal, and what's in the Plan; and if we don't make a commitment to a substantive plan and we basically give the impression that oh yeah we're going to go through the motions; we're going to tweak this; we're going to give

the impression that this is not an important document and by giving that impression that it's not important, we're going to give them permission to keep on doing what they want to do, without any regard to a larger vision. I really think we need to take advantage of this opportunity to create that larger vision.

Hal Godwin: I have one caveat to that and that is this; while an adopted certified Comprehensive Plan takes on the force of law, as a document; it's changeable.

Barry Goodinson: Sure.

Don Mazzeo: It's a living document.

Hal Godwin: Let's suppose that a land owner came in and said, I've got 45 acres adjoining your town. I want to annex it in, but I don't like the way it's done now at the County. I want you to zone it XYZ and you say, well, our Comprehensive Plan doesn't call for that. You can request State Planning amend your Comprehensive Plan, so the document is not in stone. If you want to change it, you can ask the State for permission to change it.

Barry Goodinson: Yes, unfortunately, right now the Comprehensive Plan that this town has is so irrelevant that no one ever refers to it.

Don Mazzeo: That's not quite true. I can attest to that.

Barry Goodinson: People seldom refer to it. How's that for a friendly amendment. You don't have people referring to it, because it's not seen as a guiding document and I would love to have this process engage so many people in this town, that at the end of it, people have a sense of this is who we are, as a town, and this is the direction we're going, so as future decisions are being made, everyone is starting from the same place; when people reference the Town Plan, everyone says oh yes, that's right. We had this conversation already. But that's not happening, right now.

Hal Godwin: Mr. Dailey mentioned that at the last meeting here, a week or two ago.

Mark Quigley: Last Monday.

Hal Godwin: He referenced that it seems like we're without a rudder, is what he said.

Barry Goodinson: Yes, absolutely.

Hal Godwin: And I understand that, because you're right, it's a history-rich plan. The population numbers that are in this plan are not right. I know that.

Barry Goodinson: In reading the Plan, you learn a lot about the history of Milton. You learn squat about the direction of Milton and I want our new Plan to fix that.

Hal Godwin: I understand your desire...

Barry Goodinson: I really want this group here, to make a recommendation to the Town Council that we do this right and do it big.

Don Mazzeo: Would you wordsmith that? Email it to me?

Barry Goodinson: Okay.

Hal Godwin: Make it a motion.

Barry Goodinson: I don't know the terminology, because apparently there's three different iterations or three different terms of art.

Hal Godwin: You have a meeting. You're in session right now in this meeting. If you wanted to send a recommendation to your guiding authors, the Town Council, you could make such a motion to the Chairman; he could look for a second; and you can pass it and then you have a formal recommendation to your Town Council.

Don Mazzeo: That's what I'm looking for in your words.

Barry Goodinson: What I'm looking for are the words, because apparently there are three...

Lynn Ekelund: Can I just jump in?

Barry Goodinson: Please do.

Lynn Ekelund: Because if you have just substantive in your motion, I'm not going to vote for you. I need to know what...

Barry Goodinson: But apparently, legally, there are, if I remember the meeting that I went to properly, correctly; you guys presented that there are, there may be two, or at least three options that you do; a major overhaul; you do a revisit and you do a some other thing, maybe. I just don't remember the terms of art.

Robin Davis: I think it's like a review, an amendment and an update. It's kind of like the three of them.

Barry Goodinson: Okay.

Hal Godwin: I'm not an attorney, either; let me interrupt you just a second. I know that FOIA is really tough on agendas and if you said in your agenda that you were here to talk about dog houses, you can't talk about ice cream stores. Our agenda says we're here to set dates and times of public hearings for Comprehensive Plan Review and Update. It doesn't say that you're going to consider whether or not to do a Comprehensive Plan left or right. The things you're discussing now are not on our agenda. So it might be best if we don't make that recommendation at this point.

Barry Goodinson: Okay.

Hal Godwin: We'll all get in trouble from the attorneys.

Barry Goodinson: My concern is this conversation took place two months ago at a public hearing and nothing's happened.

Don Mazzeo: Nothing has happened since.

Robin Davis: I've got a question, Mr. Chairman. The 21st was probably spent on a lot of you tonight. Would that be something, since it's on the Council agenda, being the Chairperson of this Committee...

Don Mazzeo: I think I'll be here.

Robin Davis: And I think I can relay this information briefly to the Mayor; asking for...

Don Mazzeo: In the public comment section of the meeting.

Robin Davis: Or during the Comprehensive Plan portion itself.

Don Mazzeo: I don't know if she'll open it up at that point.

Robin Davis: Well, she has the opportunity to do that.

Don Mazzeo: I can't answer what she will or won't do, that's my problem. I don't want to miss the opportunity at the public comment and then she won't allow any comments during the meeting, which has happened.

Robin Davis: What I was going to say, was I could ask her prior to.

Don Mazzeo: Okay, then let me know which way to swing and sway and I will make that comment as a recommendation coming from this Commission and that will be part of the public commentary on their agenda item.

Lynn Ekelund: But what is it that you're going to say that we are recommending? Are you going to say we're not recommending a tweak, but we are recommending...

Don Mazzeo: What's the terminology that was used prior? What was the terminology that was above a tweak...

Hal Godwin: A review and update is generally considered to be a major review. Some people actually like to word it as a complete rewrite. We're recommending a complete

review and rewrite of the Town's Comprehensive Plan, but you need to somewhere in there say that you want the plan reviewed and updated, completely. Just a tune-up would probably be considered as just a review; where you've reviewed it... The Counties have to do this every 10 years, but every 5, in the off years, we have to look at our plan and tell the State Planning Office whether or not it still guides us. Are we still doing things like we did five years ago? So all we have to do is read through it, review it, and send them a letter. That's a review.

Barry Goodinson: No, we don't want a review.

Don Mazzeo: We don't want a review.

Hal Godwin: You want a review and update.

Don Mazzeo: A review and a complete update; would the word complete be overbearing because there are certain sections that...

Hal Godwin: You could say a complete rewrite.

Barry Goodinson: I'm not afraid of being overbearing.

Hal Godwin: You could say you're recommending a complete rewrite of the Plan. I will also tell you this much. The history part that's in here, that's pretty darn valid; we're not going to change that. You could pretty much cut and paste that under your history, so you might want to change some things about the importance of this history or that history, but that's pretty much done for you. Where you need to work is the same area you would be working if you were just updating it and that is the future ideas. How many people do you think will live here in 10 years? What kind of housing are you hoping for? All that kind of stuff.

Don Mazzeo: How about any maps; because I know they get very expensive.

Hal Godwin: Yes. Well maps might be one area where we can use Pennoni Associates, because they'll have maps and there are other sources for maps, but maps shouldn't be a big problem. They should be available.

Lynn Ekelund: Hal and Jocelyn, let me ask you then, if we're going to recommend the complete review and update, are you two comfortable with being on board and bringing your sources in with this total thing, rather than a tweaking?

Hal Godwin: Yes.

Barry Goodinson: We don't want you to sign on for something you didn't expect.

Lynn Ekelund: We didn't know what we were signing on to, at least I didn't, Don didn't. So you are comfortable that we're doing the full Monty?

Hal Godwin: Yes, and quite frankly, if you do a complete rewrite now, with Robin Davis on board, in five years, he could probably do it in house; because he'll be up to here with Comprehensive Plans.

Lynn Ekelund: Robin, are you comfortable?

Hal Godwin: He'll be able to save you a lot. He'll become a much more valuable asset for the town, because he's been through this from stem to stern and even if you hire somebody, he can make sure he's directing them. So you get a good bang for your buck. I've told Robin this, I think that he, being an incremental part of this would really help the Town, because a lot of Towns can do this in-house if they really think about it; it's not rocket science.

Mark Quigley: I agree.

Hal Godwin: And the State, who are going to certify it, they're going to be here watching us

at most of our meetings. I called Dorothy this morning, who will be our person; and she said no I hadn't planned on being there because you guys are going to set dates. I said yes. When you start having substantive hearings, I'll be there and she said, I'll be there to make sure that we're covering the things we need to cover.

Tim Nicholson: Are we still trying to set dates or have we gone the other way?

Don Mazzeo: It's on the agenda and we're working our way towards an agenda item.

Hal Godwin: Oh, is that what we're doing? Understand that if you were to set dates, again, they're not in stone either. You could make them a recommendation to Council; you sit and pick four dates and make that as your recommendation to Council, so you've done your work, what the agenda said you were going to do and then you could also say, but listen folks... You could come to the Council Meeting and say we talked, we went through this, we really think that we need to consider doing a complete rewrite for a lot of reasons. We've set dates to start our... You're going to have public hearings anyway. If you just do a tune-up, you're probably going to still have 3 or 4 meetings.

Barry Goodinson: The content might be different. That's all.

Hal Godwin: A rewrite is going to take half a dozen, or more; because you're going to have to drill down deep on each issue. We're prepared to do that.

Barry Goodinson: And would you guys be working with us to identify what those issues are to drill down on?

Hal Godwin: Oh, yes, we already have them from the State. This is stuff that we have to do. It doesn't tell you what to do, it just says like population projections. We have to address that issue. Demographics, those are going to be easy, because a lot of those figures we have. Community Development strategy; there's a tough one. They're requiring that we do that, a strategy which will list policies and actions which serve to improve the quality of life in the community; that's policy, that's going to be the meat that you're going to have to work with, your neighbor's. Those are the things... they're not telling you what to say, just work hard to make sure that Milton knows what they're doing with that. So the items that I've checked are issues that the State requires you to address. They don't say how. I've seen some jurisdictions today, well community character. We decided to do nothing. We considered it. Okay.

Don Mazzeo: And recognize that it's already part of our Comprehensive Plan as it is.

Barry Goodinson: We have enough characters in this community. We don't need to do this.

Hal Godwin: We have at least one town in this county who is required to have a Comprehensive Plan and it comes back as a blank page; we're not doing anything; we're not growing; we don't want to grow; we're not going to do this, we're not going to do that. We are who we are and we're going to stay this way and we'll be this way into perpetuity, as far as we're concerned. The State says it's your plan, so if you plan on not growing, not having any annexations, that's fine; just tell us that, so that it's your plan.

Don Mazzeo: Okay.

Barry Goodinson: I have a question. You said something about we propose the following dates to the Town Council.

Don Mazzeo: They don't have to approve our dates.

Barry Goodinson: That made me concerned that we're not driving the bus.

Don Mazzeo: No.

Hal Godwin: They're your dates. I brought a little calendar, as I think I said before you

came in, Barry, that what I had suggested to Marion was that she not have all these meetings at 7 p.m. at night.

Barry Goodinson: No, I agree.

Hal Godwin: Have one on a Sunday, one on a Saturday, one on a Tuesday afternoon; mix them up so that different folks of different walks of life can all participate.

Barry Goodinson: I think that makes perfect sense. Some people don't like to drive after dark. Right.

Hal Godwin: Some folks have a night job.

Don Mazzeo: We are now finally at what I will say is the agenda item that was printed in front of us and I would like for everyone who has a calendar or can reach around to one, take a look at and I guess I'm going to refer to Hal right off the top; recognizing that our next Council Meeting is Monday, the 21st of April and our next regularly scheduled Planning and Zoning meeting will be May 20th, about a month apart. We need to have something like in between those two, and I might call it a kick-off meeting; for purposes of nothing else, because they're going to want something to go out on the paper...

Hal Godwin: To introduce to the community what you're going to do.

Don Mazzeo: And I think we probably want something to get out through the website, as a blurb; just to say what's happening, where we're going, welcoming everyone, inviting everyone, plus the obvious; it's got to be noted in the paper.

Hal Godwin: Rather than listing all these...

Don Mazzeo: I wouldn't list them.

Hal Godwin: Just say this will be our first public hearing as we start the process of reviewing and updating our Comprehensive Plan. Everybody come.

Don Mazzeo: We'll need the fire house.

Hal Godwin: We'll give them a list when they get here.

Don Mazzeo: I will not put a list out.

Hal Godwin: Part of the process and the State Planning will tell you the same thing they told me many times. We're going to start off with all the issues on the table and as we go through this, meeting by meeting, we're going to start shrinking that list down, because some of these things just don't deserve seven hours of discussion; some do. So let's try to get this down to four or five really important issues that are going to take a lot of time and we'll deal with the easy stuff as we go. You'll get more direction every meeting. This meeting will yield X,Y,Z; the meeting we have three weeks from now will give us more and we'll continue to develop and develop and develop as it goes and you'll want to call the shots on how many meetings you have. As I said, we might get into 3 or 4 meetings and say we better have a bunch more of these meetings, because I'm really thirsty for this information now and we've just started to scratch the surface on what's important.

Mark Quigley: Do they all need to be public hearings?

Don Mazzeo: Yes.

Tim Nicholson: That's why I asked before.

Hal Godwin: And they're public hearings and that means that the public is not just invited to come, they're invited to participate; the meeting is about getting them to participate.

Tim Nicholson: Should we try to set a limited number tonight?

Hal Godwin: I was going to suggest that you set 4 or 5 tonight and then as we get into the process, you'll be telling me what you want to do.

Tim Nicholson: Okay.

Hal Godwin: You'll feel it as people come talk to you.

Tim Nicholson: So it would be like through September or thereabouts?

Hal Godwin: You can have more than one a month. As an example, in the summertime I imagine you have some part-time residents who live in Bethesda, Maryland in the wintertime and they move here around Memorial Day and stay for the summer, so you're going to want to include them.

Tim Nicholson: A lot of those folks, if you ask them, will say that they don't get included in anything.

Hal Godwin: Right, so you want to include them because you don't want people, when it's all done, to say they did a lousy job with this. It was a good idea, but you really missed the ball.

Tim Nicholson: You didn't really represent me.

Jocelyn Godwin: The other idea is to do a public hearing each month, maybe once a month; but then if you want to supplement that with workshops where you guys want to just talk about certain topics; maybe you want DelDOT to have...

Lynn Ekelund: That was my question. Yes.

Jocelyn Godwin: Then maybe that's the secondary meeting that you look at.

Barry Goodinson: I like that idea.

Lynn Ekelund: I like that idea.

Don Mazzeo: A workshop it is not considered opened to the public for comment. It's opened to the public, they obviously have access; but they're not expected to have input.

Hal Godwin: You might, as the Chairman, you might decide to call...

Don Mazzeo: I may recognize someone.

Hal Godwin: You might say this guy needs to talk, because I've heard him before and we need to listen to him. So that will be up to you. You can schedule it as a workshop, a Planning and Zoning Commission Workshop and the public is invited to come and listen to it, but we're going to have a presentation night from DelDOT and they're going to tell us about their Emergency Evacuation Plan for Route 16 and some other plans about the future arteries, around the town and we want to hear this. And the whole town will hear it.

Barry Goodinson: How would the monthly, what are we calling them, public hearings tie into the workshops and do we need to establish what the topics are, well in advance, so people can kind of look and see, well over the next four months I know that every second Tuesday of the month we're going to have a public hearing; but then these workshops are going to move around and the topics are going to move around and the public hearings are going to be about what?

Hal Godwin: I think you're going to find your own footing with this. You're going to continue to have your monthly Planning and Zoning Commission meetings, that deals with the immediate land usage of the town; you're going to continue to do that every month, like you are now. That's not going to change. Let's say you set up a meeting and you say, gee, Robin, we only have one issue and it's going to be a quick one; did you want to put something special in along with that and you could say we've been wanting to hear from this environmental guy from University of Delaware. Let's have Ed come that night and spend a half an hour answering environmental questions for us and we'll put it on our regular Planning and Zoning agenda. You could do that or you could say well we're going

to have our regular working meeting and then this date and that date will be public hearings. One's a workshop, one's a public hearing. It's pretty much up to you. You can customize this however you see fit.

Barry Goodinson: I'm a little uncomfortable with... if we have an opportunity to supplement our regular monthly meetings with something that is connected to the planning process, I think we should take advantage of those opportunities, but it's so unpredictable about what's going to happen from month to month, I don't want to presume that we're going to have opportunities, because then at some point we're going to find out, we had a bunch of applications and then we're screwed.

Hal Godwin: Between now and your first meeting, you might want to think about who do we want to hear from; obviously the DelDOT's and those folks, but what do you think will be the most important learning processes and let's try to get those folks in here first and give us a good dose of DNREC, or give us a good dose of... maybe you want to hear from developer's. I don't know. Maybe you might want to have two developer's that you're comfortable with come in and say, I'm glad you invited me in, because I've owned this property for XYZ, it's been zoned yada, yada, yada and I'm not sure what I want to do with it. What do you think?

Barry Goodinson: Can we set the kick-off meeting... If the idea is to engage people and to get their input, I don't want to hand them an agenda for the next several months, because it sort of lets them know that we're not... so if we have a kick-off meeting, we could reserve monthly meetings for this process with no agenda items; the kick-off meeting would be this is what we're planning on doing; we're going to have monthly meetings and then we're going to have workshops; what are the things you want to hear? And lay out the process to manage expectations.

Don Mazzeo: The one that you hit on just then, was probably in my opinion, the most important. What do the folks that are going to be sitting out there, want to hear? What do they want to learn? And what do they want to impact us with? Because ultimately they're the ones... We're 6 or 8 or whatever we are, we're just that; we're the ears, the eyes, the hands, the brains that are going to move it along. That's all we are. We're the communicators.

Barry Goodinson: I think the piece that I'm a little unclear about is sort of the administrative piece. Who's going to be making sure the public is given due notice that there's lots of... This is a lot of stuff, in addition to all the stuff you already do; so we were talking at that last meeting, about putting the current plan in the library and moving these workshops around and finding space in places that are available and I also think that we need to make use of local media, because if this is going to be an engaging process and a transparent process; there's got to be a whole media component that the Cape Gazette is given access and we give them lots of opportunity so our stuff is out there; that's a hell of a lot of additional work for someone to do who's already doing a lot of work.

Hal Godwin: Ultimately, the Town Clerk is responsible for communication between the town government and the townspeople. Ultimately, that's her responsibility. Now she might give it to Robin, but ultimately, if you want to communicate to the townspeople, it really should go through Kristy. She'll decide where it goes and whatever, but I think that's how it should be handled. Now if you were to set four meetings, now, tonight, again you don't have to keep with those dates; you can change them, as long as you change them more than

seven days in advance. Because all we will do with the first four meetings, and you can post them on the town's website, we'll just spend a lot of money advertising them and at your first meeting you start to find where you're going.

Barry Goodinson: So we want to pick dates.

Lynn Ekelund: Let's pick some dates.

Hal Godwin: I would think you're going to have public hearings anyway; regardless of what Town Council tells you do, you're going to have public hearings.

Barry Goodinson: So can we pick four dates now and then just sort of...

Hal Godwin: You can have them all public hearings, or when the time comes, you can say this is going to be a workshop.

Barry Goodinson: I like the idea of setting four monthly dates and then we can start adding the workshops on after the first meeting, when we hear what people are interested in and I think we'll probably have a sense of what they're going to be, but I would prefer that those ideas come from folks and then we can say yes, you're interested in the Broadkill River, okay we're going to set up a workshop for that; or we heard what you said and we're going to act on that.

Don Mazzeo: Alright, our first meeting Hal is going to have to be in the month of May and I'm looking at my particular calendar and the first full week in May is the week of the 5th; and do I hear an argument that we cannot have a meeting the first week in May? Is there a date the first week in May that nobody can make? I'm good on virtually...

Lynn Ekelund: I am not good on Thursday.

Barry Goodinson: Should we set the same day every month; that way people know?

Don Mazzeo: It might be if it works that way.

Mark Quigley: But you can change it you said.

Barry Goodinson: It's just a question I'm just asking, what works?

Don Mazzeo: The other thing we don't know is the availability of any of the spaces for meetings.

Hal Godwin: This is pretty much available, isn't it Robin? Do you have trouble getting this?

Robin Davis: They're packed. Yes they are.

Hal Godwin: I had two meetings at Mariner Middle School and that was a really nice facility and I've also been there for other public hearings.

Robin Davis: We can get Mariner Middle School, I don't know, not that it really... there was a cost at one time and a lot of times the custodian leaves at 9:00 p.m., so you have to be done. The Fire Department for a brief period of a couple of months, were not charging for non-profits to have meetings; now they decided to charge again; so I think that's roughly \$100 charge per meeting.

Mark Quigley: What about the house that the town just bought?

Robin Davis: Not handicapped accessible.

Don Mazzeo: It's got to be a public facility.

Lynn Ekelund: Why don't we just pick some dates and worry about locations later?

Barry Goodinson: I agree. I'm sure we can find something.

Lynn Ekelund: Okay, good.

Don Mazzeo: Does Tuesday, May 6th...

Robin Davis: I have a question about that. When we're dealing about public hearings, public hearings if it's an actual public hearing has to have 15 days notification.

Don Mazzeo: Well we're right there then; because today's the 15th and you've got...

Barry Goodinson: But the location has to be identified.

Robin Davis: And I have to have a couple of days to get stuff in the paper too.

Don Mazzeo: Okay, the week of the 12th of May would be potential then.

Barry Goodinson: I don't mind the idea of moving it around, because it...

Don Mazzeo: It gives folks opportunities to get to places where they've never been before.

Barry Goodinson: Absolutely, it gives the idea that this is a fully engaging process.

Mark Quigley: Isn't there a community center here in Draper Community Center?

Don Mazzeo: I don't know.

Robin Davis: There's a community center behind the church on Mulberry Street.

Mark Quigley: Yes.

Robin Davis: Again, I don't know about access; again that would... I know the building is there...

Don Mazzeo: Okay, let's do this, let's set our dates and put them in loose stones and then Robin can determine if we can utilize this facility, at least for the first two and after that we'll determine where they may be.

Hal Godwin: Why don't you give enough room on the calendar so Robin has time to work the details.

Barry Goodinson: So the 13th, is that what we're looking at, or the week of the 12th?

Don Mazzeo: The week of the 12th at this point. Does Monday the 12th, does that work for anybody/everybody?

Lynn Ekelund: I'm good.

Tim Nicholson: I'm good.

Barry Goodinson: That works.

Mark Quigley: It works here.

Don Mazzeo: Okay, so our first meeting date, the kick-off, is Monday, May 12th.

Lynn Ekelund: Is that good for you guys?

Hal Godwin: I think so.

Don Mazzeo: I think we should plan for 6:30 p.m., all the way through. Our second meeting would be early June, that's really as practical I'm thinking, the first week?

Jocelyn Godwin: The first week will not work for us.

Don Mazzeo: Okay, so we'll slip into the second week of June.

Mark Quigley: The week of the 9th?

Don Mazzeo: The first one is a Monday; do you want to stay with Mondays? What's the gut feel? Keep it the same day for the first two months.

Mark Quigley: Let's just do that.

Don Mazzeo: Okay, Monday, June 9th? Does that work for you folks?

Hal Godwin: I think so.

Don Mazzeo: Okay that will be again on a Monday at 6:30 p.m. Then you're getting into the summer months.

Mark Quigley: Which gives us the summer folks.

Robin Davis: Will you do a Saturday?

Don Mazzeo: Well you wouldn't want to do it on the Fourth of July weekend. How about the following week, Saturday the 12th? If you're not back we can move it.

Hal Godwin: We'll be back on the 11th.

Barry Goodinson: You'll be tan and rested.

Hal Godwin: Yes, something like that.

Tim Nicholson: What was that Saturday the 12th?

Don Mazzeo: Yes. So that would be July 12th, that's a Saturday. Don't set any timeframe for that at this point, because we don't where. We don't know anything yet.

Robin Davis: If it's at the library, the earliest it could be is 10:00.

Barry Goodinson: I would say do it in the morning.

Don Mazzeo: I would say do it in the morning. In fact, it has to be in the morning for me.

Tim Nicholson: So that's three.

Don Mazzeo: That's three and the very, very tentative fourth one we could put in for August... maybe by then we'll have a little better idea where we're going. How about the first week in August? Does that put you on vacation Robin?

Barry Goodinson: The week of the fourth?

Don Mazzeo: Yes.

Robin Davis: I'm on vacation all summer now.

Don Mazzeo: You take vacation all year long. Don't give me that.

Mark Quigley: Speaking of that, the Don Mazzeo semi-annual... Sorry, I couldn't resist.

Don Mazzeo: That's coming up.

Mark Quigley: He won't go beyond August, you wait and see.

Don Mazzeo: You're absolutely right. In fact, it's got to be before August 26th.

Mark Quigley: I told you.

Don Mazzeo: We did two Mondays and a Saturday. Does a Wednesday break anybody?

Mark Quigley: Wednesday afternoon maybe.

Don Mazzeo: There you go. How about a Wednesday mid-day? I know what Robin does in the middle of a day.

Robin Davis: Work.

Lynn Ekelund: What about you guys? Mid-day.

Jocelyn Godwin: We can't do the first Wednesday of the month, because I have Georgetown.

Don Mazzeo: We could make it a Thursday, a Tuesday, just to mix things but make...

Hal Godwin: You could do it another Wednesday, but you couldn't do it that Wednesday, right?

Jocelyn Godwin: Right.

Don Mazzeo: Alright, do you want to do it August 13th, which is a Wednesday? And that's going to be a daytime. I'm not going to specify the hour, at this early stage. So we'll have the following meetings: the first kick-off meeting will be May 12th, Monday; June 9th, is a Monday; July 12th is a Saturday; August 13th, which is a Wednesday and that's the only one that we're going to post as a daytime. The in between dates will be available, potentially, for workshops.

Hal Godwin: We'll develop it as the time goes on.

Barry Goodinson: Right.

Don Mazzeo: I think at this early, early stage, rather than trying to determine who we might want to come in, we're hoping to get that feeling as we go.

Hal Godwin: You'll get that feeling. The community is going to tell you what they want here.

Don Mazzeo: Yes. I will guess that we will probably have some members of Council here, occasionally?

Jocelyn Godwin: Let's hope so.

Hal Godwin: I don't think I have your email addresses, but if you'll give them to me, I get email all the time from all kinds of things. If I see something that might be a training session that you might be interested in, I'll send it to you. If you want to go, you can ride with me or whatever.

Robin Davis: I was waiting until we had the new member. I was hoping I could have done that already.

Don Mazzeo: Do we have a new member? We're missing a member.

Lynn Ekelund: Why don't you give it to him, just for us, in case he starts getting these things, because who knows when we're going to get a new member.

Robin Davis: Monday.

Lynn Ekelund: Oh, we're getting a new member Monday? Oh okay.

Robin Davis: They're going to vote on the new member Monday.

Lynn Ekelund: Oh, okay.

Don Mazzeo: Good. We have successfully completed a. under Business. Do I have a motion to accept the meeting dates, as discussed.

Mark Quigley: So moved.

Lynn Ekelund: Second.

Don Mazzeo: All in favor say aye. Opposed. Motion has passed. Meeting dates have been established and Robin will get emails out with all of our addresses and we'll include these dates, just for the record. Thank you so much for your assistance, input, expertise, background. All of the above. We are welcome to anything that you have to offer to us, because we are not experts.

Hal Godwin: Happy to help. There's a lot out there. A lot of free stuff.

Don Mazzeo: We like free. You live in Milton, you have to love free things.

- b. An ordinance to amend Chapter 220 of the Town Code, Entitled "Zoning" relating to antennas, towers and satellite dishes.

Mark Quigley: I move that we can successfully deal with b. very quickly.

Don Mazzeo: Mayor and Council has referred back to us an ordinance to amend Chapter 220 of the Town Code, entitled "Zoning" relating to antennas, towers and satellite dishes. Robin, do you have input to that, for us? I was in that meeting, as well... maybe you weren't there that night.

Robin Davis: Very little. I left because I didn't think it was going to be an issue, since this item was referred originally to Planning and Zoning, the advisory report was completed and Council, I guess after reviewing all the information decided they needed more ordinances from other municipalities.

Don Mazzeo: Right.

Robin Davis: From what I gather, that was going to be used by the Council, but the vote that was taken, ended up being referring it back to Planning and Zoning.

Mark Quigley: Excuse me, that makes absolutely no sense.

Robin Davis: Understandable. The Commission has the right to say we've done our advisory report and we would just like to...

Lynn Ekelund: I think this is a total waste of time. I make a motion that we refer the ordinance to amend Chapter 220 of the Town Code, entitled "Zoning" relating to antennas, towers and satellite dishes back to Town Council.

Barry Goodinson: So basically we're ping-ponging it back and forth? Is that what's happening here?

Don Mazzeo: Yes.

Mark Quigley: Well they were the pingers. The point is they shouldn't be sending this back to us, really.

Lynn Ekelund: I agree.

Don Mazzeo: Their commentary was kind of basic. They didn't think they had all the pertinent information; nor did we, at the time. Now they have asked, I guess it was through Robin's expertise, that we have these copies of the Ordinances from multiple towns; which I've read through several times and the only comment that I would find in them, is that they all basically said the same thing. Put them in the back yard.

Barry Goodinson: I agree.

Don Mazzeo: Guess what? That's what we said in the first place and they said you can't make it happen.

Mark Quigley: What's the issue? Is the issue the process or the substance of the ordinance?

Don Mazzeo: That one I'm not sure how I would answer that.

Lynn Ekelund: We don't know.

Mark Quigley: Are we concerned that they've just bounced it back to us?

Don Mazzeo: No, no. I'm not concerned that they bounced it back, because quite honestly they did not have these ordinances from other towns to look at. Nor did we, at the outset. We now have them, we've looked at them. My recommendation is that we do send it back to Council with one comment. Utilize these that have been forwarded by our...

Lynn Ekelund: I withdraw my motion. Go for it, Don.

Don Mazzeo: I would accept a motion...

Robin Davis: Excuse me, Mr. Chairman, would that then change the advisory report that was already submitted and the need for a new advisory report be... I'm just posing the question.

Mark Quigley: I know you are.

Barry Goodinson: I'm confused and I don't know if it's because I'm stupid or if I've been gone...

Don Mazzeo: No, it's neither. I can't say what it is.

Barry Goodinson: But, what I would like to see is that this town adopt an ordinance that makes sense, that we don't have satellite dishes that are sort of gunking up the front yards of homes and... which is I think what we had tried to do before. So I guess I'm not understanding why it came back to us.

Tim Nicholson: That's what I said. That's what we're all saying, Barry. Really, we don't know why they did this.

Barry Goodinson: Let's pretend that it's a [maybe we should shut the microphone off]... Let's pretend this is a reasonable thing that they've done and we can say yes, we've read these things through and we think the appropriate response for this town is to prohibit them from the front yards; we stand by our original... I don't want to say just bouncing it back. I want to make it a more affirmative...

Don Mazzeo: In essence, that's what you are saying to me, what I just said to you.

Barry Goodinson: Okay. Yes.

Don Mazzeo: We're sending it back to them with the recommendation that we keep it all of them in the back yard, which is what we recommended in the first place. The biggest question that they have, I believe, was how does one enforce it?

Mark Quigley: The same way Georgetown does.

Don Mazzeo: That was the question that was brought up that night. I don't know if you were there that night; I don't know if you were there at the Council Meeting?

Mark Quigley: I wasn't.

Don Mazzeo: Okay.

Mark Quigley: Actually Gene Dvornick he sent me information, I have it in one of my emails, he sent me information and I could forward it to somebody here.

Robin Davis: We have it, it's in the package you got.

Barry Goodinson: So I think we can say, given the additional information we've received, we realized that what we had said before, was the right thing to do and we stand by our original position. I want it to be more substantive than bouncing it back.

Don Mazzeo: Is that a motion?

Barry Goodinson: I don't know. It wasn't artfully worded, so I don't want to make it a motion.

Don Mazzeo: It doesn't need to be artfully. Truly artfully.

Mark Quigley: I'm willing to call it a motion, if everybody else is.

Lynn Ekelund: I'll second that in-artfully worded motion.

Don Mazzeo: All in favor of the motion to now recommend back to Council that our original statement of keeping satellite dishes and other antennae...

Barry Goodinson: Having been affirmed by what we've seen from other towns...

Don Mazzeo: It's following suit with surrounding towns...

Robin Davis: And as written in the original advisory report.

Don Mazzeo: As written in the original advisory report. All in favor say aye. Opposed. Motion is passed.

- c. Update of lighting issue in the supplement parking lot for the Backyard Restaurant. The property is located at 201 Broadkill Road

Don Mazzeo: Robin, is this something that you brought up? Is this something that was put on by a member?

Lynn Ekelund: I had asked that it be placed on the agenda and I had a question as to how Mr. Trotta determined that it did meet Code.

Robin Davis: We do not have anything in our Code that talks about any certain type of equipment or to be used to check glare. It's just at the discretion of the Code Enforcement Officer whether the off-street parking lighting is a glaring issue on the neighbor's and he determined that it wasn't.

Mark Quigley: What are the neighbor's saying?

Robin Davis: And the Melnick's, that submitted a formal complaint; he's been in contact with them; they were okay with his decision.

Lynn Ekelund: Okay, I have a letter from Stacy Melnick that I received this afternoon and just to put it on the record, I don't know the Melnick's. I do know the Stoddard's who live

next door to the Melnick's. "Dear Lynn. Karen Stoddard gave me your email, telling Karen that there was going to be an update on today's agenda, so that I might tell you the current situation between us and the Backyard Cafe and Amy Rae. After waiting all these months for a resolution to the lighting for the parking lot, they finally changed the light. It is now an amber spotlight. This has the same affect on our home with the exception that it is slightly muted. On April 2, 2014, we received a letter from Mike Trotta at Code Enforcement, stating that the issue was now resolved and that the light was no longer a violation. He was also kind enough to contact me by phone, before the letter was sent. While he deems the issue resolved, we have basically given up on our fight; knowing that nothing further will be done. I cannot say we are happy with what was done, or the unneighborly stance that the Backyard Cafe has maintained throughout this ordeal. We tried to be nice, fair and amicable in our dealing with this issue. It seems as though nothing further will be done by the Backyard or Code Enforcement. I can say that we are disappointed with the outcome and the lack of adherence to Codes, Rules and Regulations. We will now make adjustments to our home, to block the light coming in through the kitchen window. It is a real shame that we were told (by the Committee) [I'm assuming she means us when she was here] that this would be made right and it is not. We moved to Milton because we love the area; the small town feel and the idea that we would know and work with our neighbor's, but we now know this simply is not true. I would just like to add that this sends a clear message to homeowner's like us, that a business is far more important than the individual. The Backyard Cafe was given extreme leeway in exchanging approved zoning plans and deciding what best suited the business. They did not have any regard for those around them. It says that Codes, Rules and Regulations are not to be taken seriously, because they can be changed and altered without approval. I can also say that I am disappointed in the Backyard Cafe, Amy and the staff, who have never reached out to us and offered any type of update or apology. We appreciate your position on this matter and feel that you were on our side. Please feel free to express our position on this matter, to the rest of the Committee, Code Enforcement, the Backyard Cafe and the Town Solicitor. Sincerely, Stacy and Anthony Melnick". I received this a week or so after I asked that this be placed on the agenda, so I knew that they were disappointed. I was just curious as to whether there was something that was measured to determine that no, this is not intruding on their home or whether it was just the Code Enforcer's opinion. I understand that there's nothing on the books. He just said, uh, now it's fixed.

Robin Davis: Correct. There is nothing...

Don Mazzeo: Except that I believe in our Code for lighting, it does say that it is supposed to be shielded, in such a fashion that it does not allow lighting to spill into adjacent properties.

Robin Davis: The wording is "glare". It's not that they can see a light; it's glare.

Barry Goodinson: But is there a definition of glare? It's not a measurable thing.

Don Mazzeo: Not in our Code.

Robin Davis: No.

Lynn Ekelund: And I looked.

Barry Goodinson: So we're kind of stuck here, because... I asked the question when they came for the change; they weren't required to have lights in that parking lot, so...

Don Mazzeo: Yes, they were.

Robin Davis: Yes, they are.

Don Mazzeo: Their approved plan had four stanchion lights.

Barry Goodinson: My question was what does the Town require in terms of lighting? And there was no requirement. They just spec'd certain lights which then we approved and then we found out later that no lights were necessary in the first place, so we're kind of in a stuck spot because there were no specifications, there were no requirements for lighting in the parking lot and then there's no measures that, or standards, that we're supposed to apply.

Don Mazzeo: We can certainly, as a Commission, make recommendation to have the Codes written and implemented that would adjust that condition. We have latitude to request things to be put into the Code. We can't put them in the Code, but we can certainly make the recommendation that this ordinance be implemented, this Code change be implemented and if Council agrees, wonderful. If they don't, they can come back and modify it and/or reject, but then it's not in our... we don't have the option of implementing something that isn't there.

Barry Goodinson: Right.

Don Mazzeo: We can't do that.

Barry Goodinson: So I guess the question I have is are you saying that we ask that lighting be required in parking lots, or are we asking that there are certain measurable guidelines...

Don Mazzeo: Absolutely. It's called foot candle. We're not there. I understand.

Robin Davis: We're getting off the subject; now we're going to an ordinance change from what was on the agenda; and we're rehashing an approval that was granted by this Commission. So that's something...

Don Mazzeo: That is on the agenda.

Robin Davis: No. It's not. It's an update of the lighting issue. And the lighting issue is, as stated by our Town Solicitor at that meeting when the modification was approved, it now turns into a Code Enforcement issue; not a Planning and Zoning issue. But to go back on what you said, Barry, we do have a requirement in our preliminary site plan review requirements it says lighting must be shown on the plan. It doesn't say what type. It says lighting. So lighting is required. It doesn't say it has to be foot candles, or whatever, but again, that's going off on what we have.

Barry Goodinson: Okay, that wasn't the answer that we got at that meeting that Amy appeared at, when I asked.

Robin Davis: So the answer to the question of the update, the Code Enforcement Officer is the one responsible. Any person that feels they do not agree with the decision of the Code Enforcement Officer, has an appeal option and it's in the Code on how they can appeal. So the Melnick's or the Stoddard's do have an appeal process. Again, coming to the Commission is coming to the wrong person. They go to the wrong Commission when it is not the Planning and Zoning Commission's responsibility to control the glare from the lighting.

Lynn Ekelund: Well, I understand what you're saying, but understanding that this is the frustration of a citizen in Milton, who came before the Planning and Zoning Commission and felt when they left, that they had a solution; and then they find that they haven't a solution; I think it's just normal for someone who isn't schooled in municipal governance and reading Charters and Codes and Ordinances that they would appeal to the person, or the Board, to which they had appeared. And it just happened that the meeting was tonight. I

had asked this, not their letter, because I didn't receive it until this afternoon; I wanted to know how it was because the Stoddard's had come to me. I wanted to understand what it was that the Code Enforcer did he measure anything? Did he use anything? Or was it just finger to the wind and no, it's not blowing hard. It's fine, which is what it is and that's all our Code requires. But, I do think that by expressing her frustration, I don't think she was at all, out of line.

Barry Goodinson: No. I have a concern. I don't ever want to say to someone who has a concern, oh, you're talking to the wrong person. Because that is just so frustrating and I want... this town is small enough that it should be user-friendly and I don't think that we should ever say to someone that's not my responsibility, you're talking to the wrong person, the Code doesn't... I think that there's got to be at least a culture of ease of access and I think that's what they were doing here, is they presumed a certain ease of access and I don't think there's anything wrong with them sending a note, which I think was a very nice one and not at all histrionic to Lynn.

Lynn Ekelund: What I thought was sad, was that basically we had given up on our fight knowing that nothing further will be done.

Don Mazzeo: I suggest then that you write back to them, call them directly, since you have a direct contact with them and say, you have an appeal process, whatever it may be.

Mark Quigley: There's got to be a healthy boundary here also. This really isn't the venue. It's just not. If you want to go and help them and follow that venue and help them with the appeal process, I think that's noble at that level; and there is access then at that point, but to continue on for 15-20 minutes at 8:00...

Lynn Ekelund: I'm done. I read the letter. Hey, Mark, come on at 8:00.

Mark Quigley: We need a healthy boundary of let's take care of our business.

Lynn Ekelund: I believe this is our business.

Barry Goodinson: This is our business. It's on the agenda.

Lynn Ekelund: I believe it is our business.

Don Mazzeo: We started a process with the preliminary site plan; we had a final site plan; we had an alternate final site plan, which has become contentious and there's nothing more we can do at this point, other than a personal contact and to your point, yes, we are not the final authority any longer, but we need to at least let it air to whatever degree it takes to go through. I don't want to just shut off any member here.

Barry Goodinson: No. No.

Mark Quigley: No, no, they could have appeared here tonight also.

Don Mazzeo: They could have. But they chose not to and we have a representative here, as a Commission member, who's going to take it upon herself and move it along. Robin, do you have a comment on that?

Robin Davis: The only thing I have to say is that if they have a concern, that's great; but sometimes concerns get put to the wrong person, to the wrong Commission...

Barry Goodinson: But that doesn't negate the concern.

Robin Davis: No, I'm not saying that.

Barry Goodinson: That's my concern is you're saying, you're implying that because they expressed it to the wrong person, then the concern is illegitimate and I reject that.

Robin Davis: No, I did not say that, Barry and don't even put those words in my mouth.

Barry Goodinson: Okay.

Robin Davis: Let me finish what I was going to say and then maybe we'll be on the same terms here. The Code Enforcement Officer had the right to make that decision. If they didn't like that decision, they could have asked that person who would have then forwarded it to the proper person.

Barry Goodinson: I guess the question I have is, does...

Don Mazzeo: I called them directly and said I'm sending the letter.

Barry Goodinson: No, which I think is fantastic. I guess the question I have is, does the Code Enforcer say to the homeowner, I know you're not happy about this. Your next recourse is blah, blah, blah.

Robin Davis: I don't know if that's the conversation because I wasn't there...

Barry Goodinson: That's what I mean about ease of access and user-friendliness.

Unidentified Speaker: I'm assuming the Code Enforcer put it in writing?

Robin Davis: Yes, it was in a letter. There was a letter that was sent out.

Unidentified Speaker: That of course may have been...

Robin Davis: And again, I don't know that and again, I'm not saying that the following up with a letter is not... but it needs to come to the right department to then move forward with the next step in the process.

Don Mazzeo: That could be the end of this conversation for this evening. Thank you very much for your input.

Barry Goodinson: Wait, wait, wait...

Don Mazzeo: For this evening, Barry.

Barry Goodinson: Okay, I'm sure you guys have much more important things to do than this. I just don't think this is okay. I don't think it's okay and I'm concerned...

Don Mazzeo: And your point has been well taken.

Barry Goodinson: And the other point I want to make is during this process about the light, we were accused by the business owner of being antagonistic toward business. Now we're being... The other book end is, we're being accused by a homeowner as being antagonistic toward homeowner's in favor of business.

Tim Nicholson: Welcome to Planning and Zoning.

Barry Goodinson: We've got to manage this better.

Don Mazzeo: Welcome to public service, Barry. That's the way it is.

9. Adjournment

Don Mazzeo: Do I have a motion to adjourn?

Tim Nicholson: So moved.

Lynn Ekelund: Second.

Don Mazzeo: All in favor say aye. Opposed. The meeting is adjourned at 8:20 p.m.

Barry Goodinson: I didn't say aye. I want to make sure that's clear.